

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLARKE AND REBECCA WIXON, et al.,

No. 07-02361 JSW

Plaintiffs,

v.

WYNDHAM RESORT DEVELOPMENT  
CORP., et al.,

**ORDER RE COURT'S INTENT  
TO APPOINT SPECIAL MASTER  
PURSUANT TO FEDERAL RULE  
OF CIVIL PROCEDURE 53**

Defendants.

Pursuant to the Court's previous Order announcing its intent to appoint a Special Master, at the hearing on June 26, 2009, the parties stipulated to the procedure and all parties consented to Edward M. Swanson, Esq., Swanson, McNamara & Heller, LLP as a candidate. Accordingly, the Court HEREBY ORDERS that by no later than 12:00 p.m. on Monday, June 29, 2009, Mr. Swanson shall file a declaration pursuant to Federal Rule Civil Procedure 53(b)(3)(A), setting forth any grounds under 28 U.S.C. § 455, which may disqualify him from accepting the appointment. If any potential grounds for disqualification are disclosed, the parties shall file a response setting forth whether they will waive the disqualification or whether they will object to the appointment by no later than 4:00 p.m. on June 29, 2009. Upon resolution of any potential disqualifying grounds, the Court shall issue the Order of appointment. The schedule set forth in this Order does not alter the schedule set forth on the record at the June 26, 2009 hearing

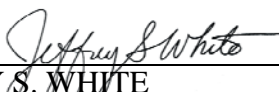
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1 regarding the deadlines for preparing a report and recommendation and responses thereto.

2 **IT IS SO ORDERED.**

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4 Dated: June 26, 2009

  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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7 cc: Edward M. Swanson, Esq.  
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